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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WELLS FARGO ADVISORS LLC,

Petitioner,

v.

LIVIA SAPPINGTON, EWA KELLY a/k/a
Eva Kelly and PATRICK LABORDE,

Respondents.

ELECTRONICALLY FILED

No.: _____

**DECLARATION OF KENNETH J. TURNBULL IN SUPPORT OF PETITION TO
VACATE IN PART CLAUSE CONSTRUCTION AWARD**

I, Kenneth J. Turnbull, Esquire, hereby declare as follows:

1. I am a partner at the law firm of Morgan, Lewis & Bockius LLP, counsel of record for Petitioner Wells Fargo Advisors LLC ("Wells Fargo"). I have personal knowledge of the facts set forth in this declaration and make this declaration in support of Wells Fargo's Petition to Vacate In Part Clause Construction Award.

2. Attached hereto as Exhibit 1 is a true and correct copy of Respondent Ewa Kelly's New Financial Advisor Training Agreement, as maintained by Wells Fargo.

3. Attached hereto as Exhibit 2 is a true and correct copy of Respondent Patrick LaBorde's New Financial Advisor Training Agreement, as maintained by Wells Fargo.

4. Attached hereto as Exhibit 3 is a true and correct copy of Respondent Livia Sappington's New Financial Advisory Training Agreement, as maintained by Wells Fargo.

7. Attached hereto as Exhibit 4 is a true and correct copy of the Statement of Claim filed by Respondents at the American Arbitration Association ("AAA") on December 17, 2015.

8. Attached hereto as Exhibit 5 is a true and correct copy of Wells Fargo's February 4, 2016 Petition to Dismiss or in the Alternative Stay the Pending Arbitration and Compel Individual Arbitration in Accordance with the Binding Arbitration Agreements.

9. Attached hereto as Exhibit 6 is a true and correct copy of the Order to Show Cause issued on February 10, 2016 in *Wells Fargo Advisors, LLC v. Sappington, et al.*, 16-CV-0878-VEC.

10. Attached hereto as Exhibit 7 is a true and correct copy of the Opinion and Order issued on July 1, 2016 in *Wells Fargo Advisors, LLC v. Tucker, et al.*, 15-CV-07722-VEC.

11. Attached hereto as Exhibit 8 is a true and correct copy of the Order issued on August 18, 2016 in *Wells Fargo Advisors, LLC v. Sappington, et al.*, 16-CV-0878-VEC.

12. Attached hereto as Exhibit 9 is a true and correct copy of the "Clause Construction Award" issued in the Arbitration by Arbitrator Robert Arrington on October 18, 2016.

13. Attached hereto as Exhibit 10 is a true and correct copy of "Order No. 1, Preliminary Scheduling Hearing, June 1, 2016" issued by Arbitrator Robert Arrington in AAA Case No. 01-15-0006-0146 (the "Arbitration").

I declare under the penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on this 17th day of November, 2016 By: /s/ Kenneth J. Turnbull
Kenneth J. Turnbull, Esq.